

COLE SCHOTZ P.C.

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Attorneys for Plaintiff, Masimo Corporation

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| MASIMO CORPORATION, | : | UNITED STATES DISTRICT COURT |
| | : | FOR THE DISTRICT OF NEW JERSEY |
| Plaintiff, | : | Civil Action No.: 15-cv-00457 (SDW)(SCM) |
| | : | |
| v. | : | <u>Civil Action</u> |
| | : | |
| MINDRAY DS USA, INC., SHENZHEN | : | NOTICE OF CROSS-MOTION TO |
| MINDRAY BIO-MEDICAL | : | DISMISS OR STAY MINDRAY DS USA, |
| ELECTRONICS CO., LTD., and MINDRAY | : | INC.'S COUNTERCLAIMS |
| MEDICAL INTERNATIONAL LTD, jointly | : | |
| and severally, | : | |
| | : | |
| Defendants. | : | |

TO: Jonathan L. Israel, Esq.
Foley & Lardner LLP
90 Park Ave.
New York, New York 10016
Attorneys for Defendants

PLEASE TAKE NOTICE that on the 16th day of March, 2015, plaintiff, Masimo Corporation, by and through its counsel, Cole Schotz P.C., shall cross-move before the Honorable Susan D. Wigenton, U.S.D.J., of the United States District Court for the District of New Jersey at the United States Courthouse, 50 Walnut Street, Newark, New Jersey, for the entry of an Order dismissing Mindray DS USA, Inc.'s Counterclaims.

PLEASE TAKE FURTHER NOTICE that the undersigned will rely upon the Memorandum of Law and Certification of Steven R. Klein, Esq., submitted in support of this cross-motion. A proposed form of Order has also been submitted herewith.

PLEASE TAKE FURTHER NOTICE that opposition, if any, to the relief sought herein shall be in writing, filed with the Clerk of the District Court, together with Mindray DS USA, Inc.'s reply in support of its original motion, if any, and served upon the undersigned not later than 7 days prior to the return date of this motion.

COLE SCHOTZ P.C.
Attorneys for Plaintiff,
Masimo Corporation

By: /s/ Steven R. Klein
Steven R. Klein

DATED: March 3, 2015